

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|----------------------------------|---|------------------------|
| CHARLES LANGONE, as FUND MANAGER |) | |
| of the NEW ENGLAND TEAMSTERS AND |) | |
| TRUCKING INDUSTRY PENSION FUND, |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 04cv11454 GAO |
| v. |) | |
| |) | |
| THE 357 CORP. |) | |
| |) | |
| Defendant. |) | |
| |) | |

JOINT PROPOSED PRETRIAL SCHEDULE

Pursuant to the Notice of Scheduling Conference issued by this Court, counsel for the parties have conferred for the express purpose of (1) preparing an agenda of matters to be discussed at the December 21, 2004 scheduling conference, (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery, and (3) considering whether they will consent to trial by magistrate judge.

As a result of said conference between counsel, parties have agreed, subject to Court approval, to prepare for trial in accordance with the following proposed pretrial schedule.

1. All discovery shall be completed by May 1, 2005.
2. Parties shall file any and all Rule 56 Motions for either partial or total summary judgment by July 1, 2005.
3. Plaintiff declines at this time to consent to a trial by magistrate; defendant will consent.

For the Plaintiff,

CHARLES LANGONE, as FUND MANAGER
Of the NEW ENGLAND TEAMSTERS AND
By their Attorney,

/s/Catherine M. Campbell
Catherine M. Campbell
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Dated: December 16, 2004

For the Defendants,

The 357 Corp.
By his Attorney,

/s/Geoffrey P. Wermuth
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Dated: December 16, 2004